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REMARKS

Claims 1-11 are pending. Claims 1-3 have been rejected and Claims 4-11 have been objected to.

Rejection Under 35 USC § 102

Claims 1-3 have been rejected under 35 USC § 102(b) as being anticipated by Starr (US 3,189,072). Applicant respectfully traverses this rejection.

Claim 1 calls for, in pertinent part, “a package comprising: a container ...; a closure ...; and sealing elements including an annular sealing flange extending downwardly and inwardly from the end wall of the enclosure and having an outer sealing surface which engages an inner sealing surface on the flared portion of the container, and an annular upper portion of the inner surface of the skirt being inclined downwardly and outwardly relative to the outer surface of the annular sealing flange to form with the annular sealing flange an upwardly converging annular gap into which the rim of the container is wedged as the container engaging members on the closure and the closure engaging members on the container engage.”

While the Office Action asserts that certain elements of Starr correlate to elements of Claim 1, it is significant that it does not allege that a rim of the container is wedged into an upwardly converging annular gap between the outer surface of the sealing flange and the inner surface of the skirt. In the package of Claim 1, the rim 15 on the flared portion 13 of the container is wedged into the upwardly converging gap formed by the sealing flange 37 in the upper portion 43 of the inner surface 27 of the skirt 23 on the closure. “Wedged” is used here in the conventional sense such as described by definition 2a in the attached excerpt from *Webster's Ninth New College Dictionary* where the verb “wedge” is defined as meaning: “to force or press (something) into a narrow space: cram.”

In Starr, the rim, which would be the end surface on the outer portion 16 of extension 14 on the container is not wedged into an upwardly converging annular gap. Instead the inner surface 25 of the conical member 27, the semicircular end wall 24 and vertical inner surface 23 of the skirt form a camming surface (Starr, column 3, lines 46-56) which deflects the extension 14 outwardly (Starr, column 3, lines 66-71) so that the outer end portion 16 initially seats against the wall 23 causing it to buckle upwardly toward the wall 24 and finally causing the extension end portion to curl downwardly (Starr, column 4, lines 21-29). As can be seen in the sequence of Figures 3 through 5 of Starr, the end portion 16 has an end face, without a reference character but which corresponds to the rim 15 of Claim 1, that initially contacts the surface 24 and then slides downwardly to the position shown in Figure

5. As this "rim" moves from the position in Figure 4 to the position in Figure 5, it is not being wedged, but to the contrary is be pushed along the surface 23 where the latter diverges from the surface 25. In other words, the "rim" in Starr is being pushed out of any converging gap, it is not being wedged into such a converging gap. Thus, Starr discloses a different structure which operates in a different way to achieve a different kind of seal, and therefore, does not anticipate Claim 1.

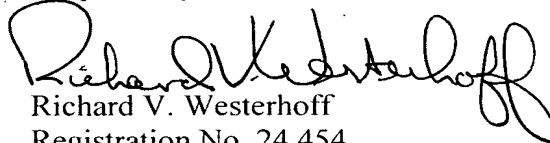
Claims 2 and 3 pend from Claim 1 and are therefore patentable over Starr for the same reasons.

Allowed Subject Matter

Claims 4-11 were objected to as being dependent upon a rejected base claim but were declared to be allowable if re-written in independent form including all the limitations in the base claim or any intervening claim. As Claim 1, the base claim, is patentable over Starr, it is not necessary to re-write these dependent claims.

In view of all of the above, reconsideration and allowance of the application as now presented is respectfully solicited.

Respectfully submitted,



Richard V. Westerhoff
Registration No. 24,454
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
Attorney for Applicant

(412)566-6090



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weasel *vi* wea-seled; wea-seling \ˈwēz-(ə-)lɪŋ\ [*weasel word*] (1900) 1 : to use weasel words : EQUIVOCATE 2 : to escape from or evade a situation or obligation — often used with *out*
weasel word *n* [fr. the weasel's reputed habit of sucking the contents out of an egg while leaving the shell superficially intact] (1900) : a word used in order to evade or retreat from a direct or forthright statement or position
weather \ˈweth-ər\ *n* [ME *weder*, fr. OE; akin to OHG *wetar* weather, OSlav *vetra* wind] (bef. 12c) 1 : state of the atmosphere with respect to heat or cold, wetness or dryness, calm or storm, clearness or cloudiness 2 : state of life or fortune 3 : disagreeable atmospheric conditions; as: a : RAIN, STORM b : cold air with dampness 4 : WEATHERING — *under the weather* 1 : ILL 2 : DRUNK
weather *vb* weath-ered; weath-er-ing \ˈweth-(ə-)rɪŋ\ *vt* (15c) 1 : to expose to the open air : subject to the action of the elements 2 : to sail or pass to the windward of 3 : to bear up against and come safely through (~ a storm) ~ *vi* : to undergo or endure the action of the elements
weather *adj* (1625) : WINDWARD — compare LEE
weather-ability \ˈweth-(ə-)rə-bɪl-ə-ti\ *n* (1947) : capability of withstanding the weathering process (~ of a plastic)
weather-beaten \ˈweth-ər-, beɪt-ən\ *adj* (1530) 1 : toughened, tanned, or bronzed by the weather (~ face) 2 : worn or damaged by exposure to weather
weather-board \ˈweth-ər-, bɔrd\ *n* (1539) 1 : CLAPBOARD, SIDING 2 : the weather side of a ship
weather-board-ing \ˈweth-ər-, bɔrd-ɪŋ\ *n* (1632) : CLAPBOARDS, SIDING
weather-bound \ˈweth-ər-, baʊnd\ *adj* (1590) : kept in port or at anchor or from travel or sport by bad weather
weather bureau *n* (ca. 1870) : a bureau engaged in the collection of weather reports as a basis for weather predictions, storm warnings, and the compiling of statistical records
weather-burned \ˈweth-ər-, bɔrd\ *adj* (1906) : browned by sun and wind
weather-cock \ˈkæk\ *n* (14c) 1 : a vane often in the figure of a cock mounted so as to turn freely with the wind and show its direction 2 : a person or thing that changes readily or often
weather deck *n* (1850) : a deck having no overhead protection from the weather
weather-ered \ˈweth-əd\ *adj* (1789) 1 : a : seasoned by exposure to the weather b : altered in color, texture, composition, or form by such exposure or by artificial means producing a similar effect (~ oak) 2 : made sloping so as to throw off water (~ windowsill)
weather eye *n* (1839) 1 : an eye quick to observe coming changes in the weather 2 : constant and shrewd watchfulness and alertness
weather-glass \ˈweth-ər-, glas\ *n* (1626) : a simple instrument for showing changes in atmospheric pressure by the changing level of liquid in a spout connected with a closed reservoir; *broadly* : BAROMETER
weather-ing *n* (1548) : the action of the elements in altering the color, texture, composition, or form of exposed objects; *specif* : the physical disintegration and chemical decomposition of earth materials at or near the earth's surface
weather-ize \ˈweth-ə-, rɪz\ *vt* (1943) : to make (as a house) better protected against winter weather esp. by adding insulation and by caulking joints — **weather-ization** \ˈweth-(ə-)rə-, zə-shən\ *n*
weather-ly \ˈweth-ər-, lɪ\ *adj* (1729) : able to sail close to the wind with little leeway
weather-man \ˈman\ *n* (1859) : one who reports and forecasts the weather
weather : METEOROLOGIST
weather map *n* (1871) : a map or chart showing the principal meteorological elements at a given hour and over an extended region
weather-proof \ˈweth-ər-, pruf\ *adj* (1620) : able to withstand exposure to weather without damage or loss of function — **weatherproof** *vt*
weather-proof-ness *n*
weather ship *n* (1946) : a ship that makes observations for use by meteorologists
weather station *n* (ca. 1909) : a station for taking, recording, and reporting meteorological observations
weather strip *n* (1846) : a strip of material to cover the joint of a door or window and the sill, casing, or threshold so as to exclude rain, snow, and cold air — called also **weather stripping** — **weather-strip** *vt*
weather vane *n* (ca. 1721) : VANE 1a
weather-wise \ˈweth-ər-, wɪz\ *adj* (14c) 1 : skillful in forecasting changes in the weather 2 : skillful in forecasting changes in opinion or feeling (a ~ politician)
weather-worn \ˈweth-ər-, wɔrn\ *adj* (1609) : worn by exposure to the weather
weave \ˈweɪv\ *vb* wove \ˈwɒv\ or weaved; wove \ˈwɒv\ or weaved; weaving [ME *weven*, fr. OE *wefan*; akin to OHG *wēban* to weave, Gk *hyphos* web] *vt* (bef. 12c) 1 : to form (cloth) by interlacing strands (as of yarn); *specif* : to make (cloth) on a loom by interlacing warp and filling threads b : to interlace (as threads) into cloth c : to make (as a basket) by intertwining 2 : SPIN — used of spiders and insects 3 : to interlace esp. to form a texture, fabric, or design 4 : to unite in a duce by elaborately combining elements : CONTRIVE b : to unite in a coherent whole c : to introduce as an appropriate element : work in — *usu.* used with *in* or *into* : 5 : to direct (as the body) in a winding or zigzag course esp. to avoid obstacles ~ *vi* 1 : to work at weaving : make cloth 2 : to move in a devious, winding, or zigzag course esp. to avoid obstacles
weave *n* (1581) 1 : something woven; esp : woven cloth 2 : any of the patterns or methods for interlacing the threads of woven fabrics
weave *vi* weaved; weaving [ME *weven* to move to and fro, wave; akin to ON *veifa* to wave, Skt *vepate* he trembles] (1596) : to move waveringly from side to side : SWAY
weaver \ˈweɪ-vər\ *n* (14c) 1 : one that weaves esp. as an occupation 2 : WEAVERBIRD
weaver-bird \ˈweɪ-vər-bɜrd\ *n* (ca. 1826) : any of numerous Old World passerine birds (family Ploceidae) that resemble finches and mostly construct elaborate nests of interlaced vegetation — called also **weaver**
weaver's knot *n* (1532) : SHEET BEND — called also **weaver's hitch**
web \ˈweb\ *n* [ME, fr. OE; akin to ON *vefr* web; OE *wefan* to weave] (bef. 12c) 1 : a fabric on a loom or in process of being removed from a loom 2 : a : COWEB 1, 2 b : SNARE, ENTANGLEMENT 3 : a tissue or

membrane of an animal or plant; esp : that uniting fingers or toes either at their bases (as in man) or for a greater part of their length (as in many water birds) 4 : a thin metal sheet, plate, or strip b : the plate connecting the upper and lower flanges of a girder or rail c : the part of a crank 5 : an intricate structure suggestive of something woven : NETWORK 6 : the series of barbs implanted on each side of the shaft of a feather : VANE 7 : a : a continuous sheet of paper manufactured or undergoing manufacture on a paper machine b : a roll of paper for use in a rotary printing press 8 : the part of a ribbed vault between the ribs — **webbed** \ˈwebd\ *adj* — **web-like** \ˈweb-, lɪk\ *adj*
web *vb* webbed; web-bing *vi* (1604) : to construct or form a web ~ *vt* 1 : to cover with a web or network 2 : ENSNARE, ENTANGLE 3 : to provide with a web
web-bing \ˈweb-ɪŋ\ *n* (1794) 1 : a strong, narrow closely woven tape designed for bearing weight and used esp. for straps, harness, or upholstery 2 : TRAP 3c
web-by \ˈweb-ɪ\ *adj* (1661) : of, relating to, or consisting of a web
web-ber \ˈweb-ər-, ˈvə-bər\ *n* [Wilhelm E. Weber †1891 Ger. physicist] (ca. 1891) : the practical meter-kilogram-second unit of magnetic flux equal to that flux which in linking a circuit of one turn produces in it an electromotive force of one volt as the flux is reduced to zero at a uniform rate of one ampere per second : 10⁸ maxwells
web-fed \ˈweb-, fed\ *adj* (1947) : of, relating to, or printed by a web press
web-foot *n* (1765) 1 : web-footed \ˈweb-, fʊt-əd\ *adj* : an animal having web feet — **web-foot-ed** \ˈweb-, fʊt-əd\ *adj*
web member *n* (ca. 1890) : one of the several members joining the top and bottom chords of a truss or lattice girder
web offset *n* (1967) : offset printing by web press
web press *n* (1875) : a press that prints a continuous roll of paper
web spinner *n* (ca. 1907) : an insect that spins a web; esp : any of an order (Embiodea) of small slender insects with biting mouthparts that live in silken tunnels which they spin
webster \ˈweb-stər\ *n* [ME, fr. OE *webbestre* female weaver, fr. *webbian* to weave; akin to OE *wefan* to weave] *archaic* (bef. 12c) : WEAVER
web-worm \ˈweb-, wɜrm\ *n* (1797) : any of various caterpillars that are more or less gregarious and spin large webs
wed \ˈwed\ *vb* wed-ded also wed; wed-ding [ME *wedden*, fr. OE *weddian*; akin to MHG *wetten* to pledge; OE *wedd*; pledge; OE *IG wetti*; Goth *wadi*, L *vad-*, was bail, security] *vt* (bef. 12c) 1 : to take for wife or husband by a formal ceremony : MARRY 2 : to join in marriage 3 : to unite as if by the bond of marriage ~ *vi* : to enter into matrimony — **wed-der** *n*
wed \ˈwed\ *n* : we had : we would : we should
wed-ding \ˈwed-ɪŋ\ *n*, often *attrib* (bef. 12c) 1 : a marriage ceremony usu. with its accompanying festivities : NUPTIALS 2 : an act, process, or instance of joining in close association 3 : a wedding anniversary or its celebration — *usu.* used in combination
wedding march *n* (1850) : a march of slow tempo and stately character composed or played to accompany the bridal procession
wedding ring *n* (14c) : a ring often of plain gold or platinum given by the groom to the bride during the wedding service; also : a similar ring given by the bride to the groom in a double-ring service
wedel \ˈvæd-, lɪ\ *n* [back-formation fr. *wedeln*] (ca. 1966) : to ski downhill by means of wedeln
wedeln \ˈvæd-, lɪn\ *n* [G. fr. *wedeln* to fan, wag the tail, fr. *wedel* fan; tail, fr. OHG *wadal*; akin to ON *velli* bird's tail] (ca. 1957) : a style of skiing in which a skier moves the rear of the skis quickly from side to side while following the fall line
wedge \ˈweɪdʒ\ *n* [ME *wegge*, fr. OE *wecg*; akin to OHG *wecki* wedge, Lith *vagis*] (bef. 12c) 1 : a piece of a substance (as wood or iron) that tapers to a thin edge and is used for splitting wood and rocks, raising heavy bodies, or for tightening by being driven into something 2 : a heavy body, or for tightening by being driven into something 3 : something (as a policy) causing a breach or separation b : something used to initiate an action or development c : something wedge-shaped : an array of troops or tanks in the form of a wedge d : the wedge-shaped stroke in cuneiform characters e : a shoe having a heel extending from the back of the shoe to the front of the shank and a tread formed by an extension of the sole d : an iron golf club with a broad low-angled face for maximum loft
wedge *vb* wedged; wedg-ing *vt* (15c) 1 : to fasten or tighten by driving in a wedge 2 : to force (one's way) into or through (wedged his way into the crowd) 3 : to separate or force apart with or as if with a wedge ~ *vi* : to become wedged
wedgie \ˈweɪdʒi\ *n* (ca. 1552) : shaped like a wedge
wedgie \ˈweɪdʒi\ *n* (wedgie + -ie) (ca. 1938) : a shoe having a wedge-shaped piece serving as the heel and joining the half sole to form a continuous flat undersurface
Wedg-wood \ˈweɪdʒ-, wud\ *trademark* — used for ceramic wares (as bone china or jasper)
wedgy \ˈweɪdʒi\ *adj* (1799) : resembling a wedge in shape
wed-lock \ˈwed-, lɒk\ *n* [ME *wedlok*, fr. OE *wedlac* marriage bond, fr. *wedd* pledge, + *-lac*, suffix denoting activity] (13c) : the state of being married : MARRIAGE, MATRIMONY — *out of wedlock* : with the natural parents not legally married to each other
Wednesday \ˈwenz-deɪ-, ˈdɛɪ\ *n* [ME, fr. OE *wōdnesdæg*; akin to ON *óðinsdagr* Wednesday; akin to OE *Wōden* Odin and *dæg* day] (bef. 12c) : the fourth day of the week — **Wednesdays** \ˈdɛz-, ˈdɛɪz\ *adv*
wee \ˈweɪ\ *adj* [ME *we*, fr. *we*, *n.*, little bit, fr. OE *wæge* weight; akin to OE *wegan* to move, weigh — more at *WAY*] (15c) 1 : very small : DIMINUTIVE 2 : very early (~ hours of the morning)
weed \ˈwed\ *n* [ME, fr. OE *weod* weed, herb; akin to OS *wiod* growing] (bef. 12c) 1 : a (1) : a plant that is not valued where it is growing and is usu. of rank growth; esp : one that tends to overgrow or choke out more desirable plants (2) : a weedy growth of plants b : an aquatic plant; esp : SEAWEED, c (1) : TOBACCO (2) : MARIJUANA 2 : an obnoxious growth, thing, or person b : something like a weed in detrimental quality; esp : an animal unfit to breed from
weed *vi* (12c) : to remove weeds, or something harmful, ~ *vi* 1 : a : to clear of weeds (~ a garden) b (1) : to free from something hurtful or offensive (2) : to remove the less desirable portions of 2 : to get rid of (something harmful or superfluous) — often used with *out*

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